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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,986	08/03/2001	Bruce A. Epstein	2386/102	6869
2101	7590	12/21/2004	EXAMINER	
BROMBERG & SUNSTEIN LLP 125 SUMMER STREET BOSTON, MA 02110-1618			TRUONG, CAM Y T	
			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Appli ation No.

09/921,986

Applicant(s)

EPSTEIN, BRUCE A.

Examin r

Cam Y T Truong

Art Unit

2162

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

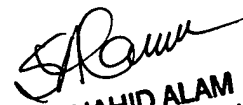
Claim(s) rejected: 1-12 and 15-22.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: In response to applicant's arguments, the recitation a collaborative information has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

In addition, applicant argued that neither Gross and Aycock uses metadata to assess the reliability of the data and the contributors of the data. Aycock teaches the supplier evaluation system that comprises a product database 66. This database identifies product performance and reliability for existing products supplied by existing and prior vendors. For example, in the field of telecommunications, the product database may include a data record for a digital switch manufactured by an approved vendor. Such a record would include a vendor identification, the model number of the digital switch, and an evaluation of the product conformance to technical specifications, and an evaluation of the product reliability. Thus, while the vendor database 64 evaluates performance and quality maturity from the perspective of the vendor generally, the product database 66 enables specific evaluation of products supplied by existing and prior vendors. Thus, the product database 66 enables a competitive analysis of all vendors that produce a selected switch to determine the respective performance of the vendors. Alternatively, the performance evaluation of all products from a selected vendor may be correlated in order to gain an overall assessment of the selected vendor based on all prior products supplied by that vendor. Further, the product database 66 may include additional fields related to the technical or fiscal parameters of the product. The product database 66 may store information related to various types of products, such as hardware products, software, central office equipment, customer premises equipment, or other specialized equipment. The supplier interface may allow a supplier to selectively access the databases of the supplier evaluation system 60 in order to receive information on existing vendor performance reports or product updates (col. 9, lines 59-67; col. 10, lines 1-17; col. 10, lines 63-66). Metadata means data about data (Computer Dictionary, page 305, lines 34-35). Since a record is used to describe a product of a vendor. Thus, a record in database 66 is represented as metadata of a product of a vendor. When a supplier accesses to this database, the supplier receives records about products and the supplier evaluates products based on records of the products.


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PRIMARY EXAMINER